

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NELSON CHILIN,

Plaintiff,

v.

DONUT FACTORY, LLC et al.,

Defendants.

Case No. 5:23-cv-01754-SB-MRW

ORDER TO SHOW CAUSE RE:  
DISMISSAL FOR LACK OF  
PROSECUTION

Plaintiff Nelson Chilin filed his complaint against Defendants Donut Factory, LLC and Tamer A. Diab on August 29, 2023. Dkt. No. [1](#). Plaintiff later dismissed his claim against Donut Factory. Dkt. No. [14](#). On November 14, 2023, Plaintiff effectuated personal service on Defendant Diab. *See* Dkt. No. [13](#). Defendant Diab failed to timely respond, and Plaintiff has not sought entry of default. Plaintiff is ordered to show cause, in writing, no later than December 11, 2023, why his claims should not be dismissed for lack of prosecution. No oral argument on this matter will be heard unless otherwise ordered by the Court. *See* Fed. R. Civ. P. [78](#); Local Rule [7-15](#).

The Court will consider as an appropriate response to this order to show cause (OSC) the filing, on or before December 11, 2023, of an application for entry of default under Federal Rule of Civil Procedure [55\(a\)](#). The filing of such an application shall result in the automatic discharge of this OSC without further order. Failure to timely respond to the OSC will be deemed consent to the dismissal without prejudice of Plaintiff's claims against Defendant Diab.

IT IS SO ORDERED.

Date: December 4, 2023



Stanley Blumenfeld, Jr.  
United States District Judge